

R E M A R K S

Sequence Listing

Enclosed herewith in full compliance with 37 C.F.R. §§1.821-1.825 is a Substitute Sequence Listing to be inserted into the specification as indicated above. The Substitute Sequence Listing in no way introduces new matter into the specification. Also submitted herewith in full compliance with 37 C.F.R. §§1.821-1.825 is a disk copy of the Substitute Sequence Listing. The disk copy of the Sequence Listing, file “2005-12-09 2121-0180P.ST25.txt”, is identical to the paper copy, except that it lacks formatting.

The Substitute Sequence Listing has been amended to include SEQ ID NO: 40, which is residues 1-68 of the RANTES sequence described in the specification. In addition, the Substitutes Sequence Listing also includes SEQ ID NO: 39, which was presented in original claims 13 and 17. No new matter is introduced by the Substitute Sequence Listing.

Amendments to the Specification

The specification has been amended to delete the paragraph at page 2, line 17. This paragraph references the NCBI database entry for the sequence of RANTES. However, the indicated entry, MMDB id 4973, is in error as shown by the attached copy of that entry. It would be readily apparent to one skilled in the art that the entry is incorrect when they looked at it. RANTES was a well-known protein at the time of the invention as evidenced by the number of citations in the specification that discuss not only RANTES, but various derivatives of RANTES that have been made. All of the citations in the specification that discuss RANTES or derivatives thereof, reference to the sequence disclosed in Schall T., Cytokine, Vol. 3, No. 3, (1991); pages 165-183 for the base sequence of RANTES. As such, one skilled in the art would readily recognize that this is the sequence of RANTES discussed in the context of the invention and incorporation to the specification of amino acids 10-68 of this sequence as new SEQ ID NO:40 is not new matter.

Information Disclosure Statement

Turning now to the Official Action, Applicants note that the Examiner's comments with respect to the IDS. Applicants will comply with these requirements in the near future.

Objections to the specification

The specification has been objected to due to informalities. Applicants have amended the specification to insert the proper Sequence ID numbers at pages 7 and 8 and to delete the embedded hyperlink at page 2.

Applicants submit that there is no hyperlink at page 27 line 28, of the specification according. Nonetheless, the specification has been amended at page 27, line 28 for the reasons discussed above to delete the reference to NCBI database and instead insert the actual partial sequence of RANTES.

In view of the above, withdrawal of this objection is respectfully requested.

Rejections under 35 U.S.C. §112, 2nd paragraph

Claims 13, 14 and 17 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite. More specifically, the terminology "obtainable by a method according to anyone of claims 1 to 12 of the following formula" has been deleted from Claim 13. The parenthesis in claim 13 with respect to RANTES (10-68) have been deleted. The sequence has also been incorporated into Claim 13. The symbols #, & and * have been replaced as suggested by the Examiner with AA1, AA2 and AA3. Claim 14 has been amended to delete the duplicated sequences and to retain only those sequences encompassed by the generic formula. The use of parenthesis has also been deleted from Claim 14.

Claims 13, 14 and 17 have been amended to further clarify the present invention. New claims 23 to 26 have been added. Applicants submit that no new matter has been added via this amendment. This rejection should be rendered moot via the amendment.

Thus, in view of the above, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. §102(a)

Claims 13, 14 and 17 have been rejected under 35 U.S.C. § 102(a) or in the alternative under 35 U.S.C. §103 (a) as being unpatentable over Hartley et al. For the following reasons, these rejections are respectfully traversed.

Applicants are enclosing a Declaration indicating that there are only five true inventors, the remaining authors cited on the reference being under their supervision and are not true inventors of the present application. Applicants note that one of the inventors, Mr. Oliver Hartley, was unavailable to sign the Declaration at the time of filing of the response, because he was on holiday. A copy of Declaration signed by Mr. Hartley will follow upon his return.

Thus, in view of the above, withdrawal of these rejections is respectfully requested.

Therefore from the foregoing, favorable action in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited.

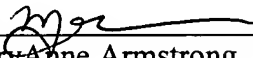
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact MaryAnne Armstrong, Ph.D., Registration No 40,069 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: JAN - 6 2006

Respectfully submitted,

By 
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Attachments:

Copy of NCBI entry MMDB 4973
Copy of Schall, Thomas J.; Cytokine, Vol. 3, pp.165-183(1991)
Paper Copy of Substitute Sequence Listing
Disk Copy of Sequence Listing
Declaration concerning Inventorship by Inventors